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PLANNING &
ADVISORY

Proposal:

Alterations and additions to extend the balcony
of an existing dual occupancy unit (Unit 1).

Unit 1/16 Plant Street, Balgowlah NSW 2093

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STATEMENT OF ENVIRONMENTAL EFFECTS



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1. Introduction

This Statement of Environmental Effects (SEE) has been prepared in accordance with the proposed Environmental Planning and Assessment Act 1979 in support of a development application for alterations and additions to extend the balcony of an existing dual occupancy unit (Unit 1).

Macfox Urban Planning & Advisory have been retained to prepare a Statement of Environmental Effects to accompany the development application for consideration by Northern Beaches Council.

This Statement of Environmental Effects is based upon the information and details shown on the architectural drawings prepared by Perfect Square Design, Project No. 22063.

This Statement of Environmental Effects has been prepared in support of the proposed development. This report is based on the above identified plans, virtual site inspection and general knowledge of the locality, with the aim of:

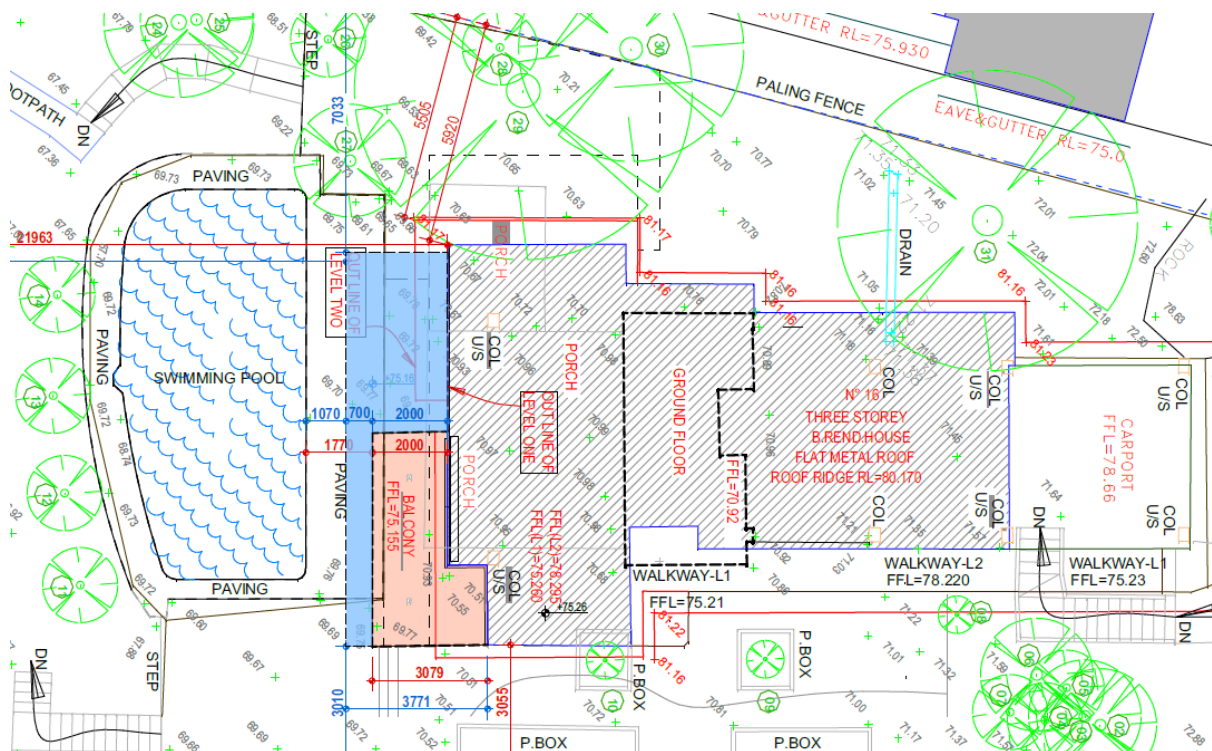
- Reviewing the development proposal against relevant statutory controls.
- Determining whether the proposal is acceptable within the existing and likely future context of the area.
- Considering whether the proposal is acceptable within the broader planning controls.
- Addressing any likely environmental and external impacts.

The proposed development has been assessed in relation to:

- Section 4.15 Evaluation under the Environmental Planning & Assessment Act, 1979;
- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy (Sustainable Buildings) 2022;
- Manly Local Environmental Plan (LEP) 2013;&
- Manly Development Control Plan (DCP) 2013.

2. Site Context & Approval History

The subject site is legally known as Lot 1 in SP 18144 and commonly known as 1/16 Plant Street, Balgowlah. The subject site is located on the southern side of Plant Street which is bound by Ethel Street to the north and Maretimo Street. The site has a total area of approximately 961.1sqm (by DP) with a street frontage of 12.19m to Plant Street. A dual occupancy development is situated on the site. The subject unit (Unit 1) which forms part of the dual occupancy development on the site is located on the first floor. Existing improvements on the site include 2x pergolas and a swimming pool. Significant vegetation also exists on the site. There are no works proposed on the ground floor which contains common areas for the development and the second floor which contains Unit 2. Surrounding land uses are predominantly single storey and double storey detached dwellings.



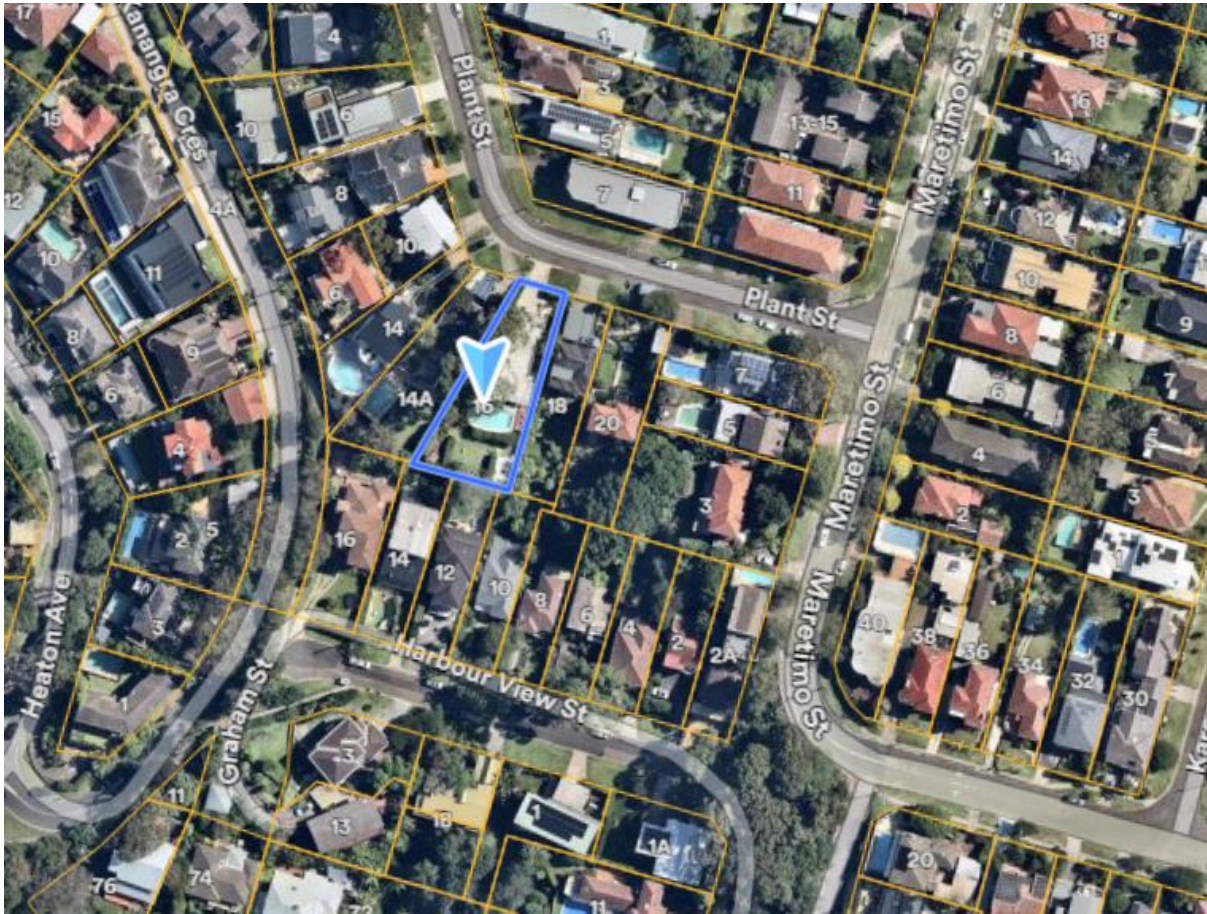


Figure 1. Site Aerial Map (Source: Nearmap 2024)

The subject site is zoned R2 Low Density Residential under the provisions of the Manly Local Environmental Plan 2013.

Refer to the Figures below for an aerial imagery and street view of the subject site.

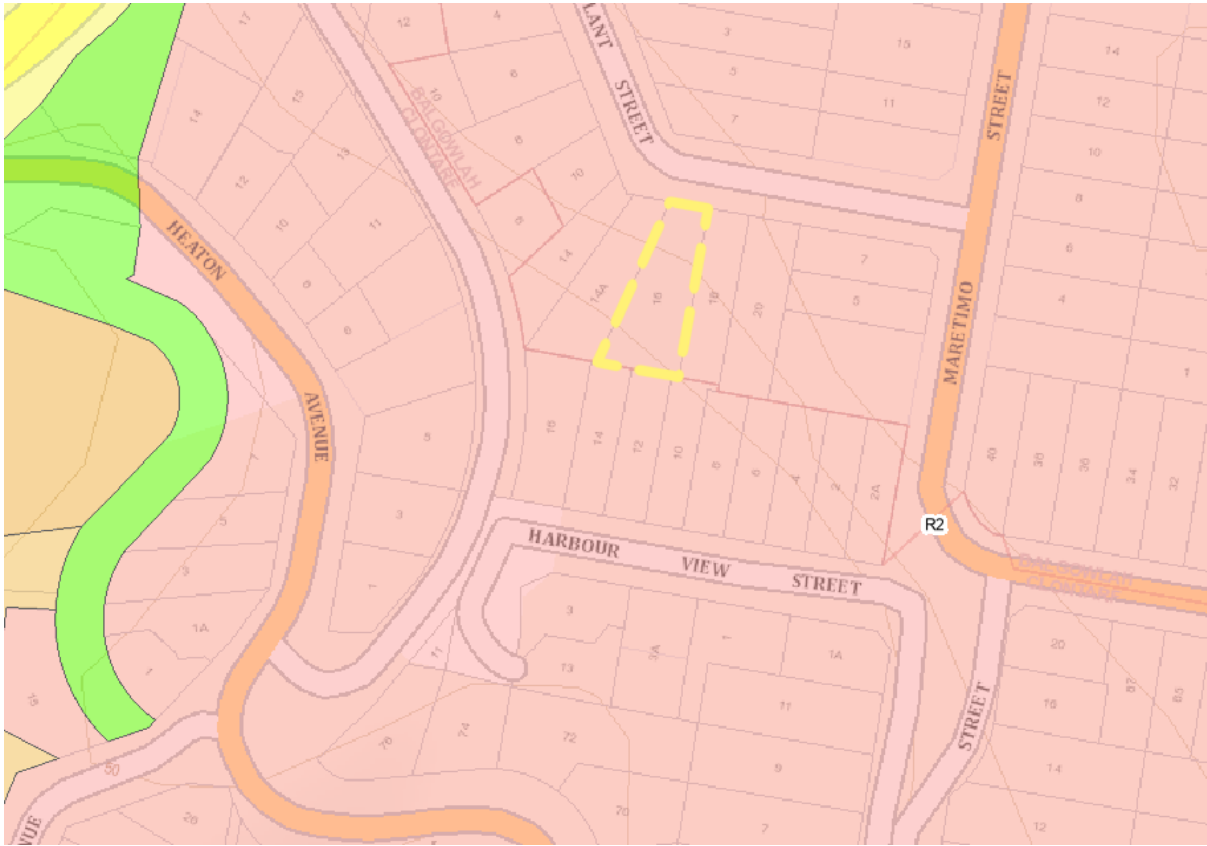


Figure 2. Zoning Maps (Source: ePlanning Spatial Viewer March 2024)



Figure 3. Subject site

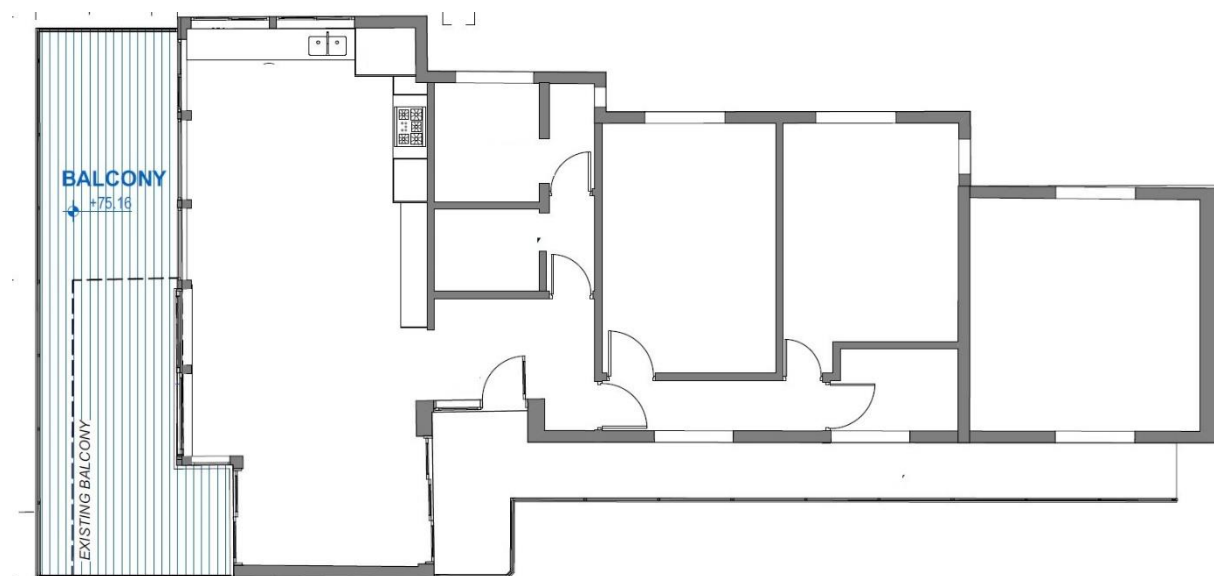


Figure 4. Neighbouring Dwellings

3. Proposed Development

The proposal before Council seeks development consent for alterations and additions to extend the balcony of the existing dual occupancy unit 1/16 Plant Street, Balgowlah. This Statement of Environmental Effects is based upon the information and details shown on the following architectural plans prepared by Perfect Square Design, Project No. 22063, Sheet Nos. 2 of 9 – 9 of 9, dated 6 March 2024.

- No new roof areas are proposed.
- No tree and vegetation removal are involved in the subject development proposal.



The proposed development would not result in any changes to the existing stormwater drainage arrangement on the site. There are no expected impacts on any site or street trees.

4. Section 4.15 Evaluation

The following section provides an assessment of the proposed development in accordance with the provisions of Section 4.15 of the Environmental Planning and Assessment Act, 1979.

(1) Matters for consideration – general

In determining an application, a consent authority is to take into consideration such as the following matters as are of relevance to the development, the subject of the application.

The provisions of:

4.1 Relevant Environmental Planning Instruments

4.1.1 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of land

Section 4.16 (1) of the SEPP requires the consent authority not consent to the carrying out of any development on land unless:

“(a) it has considered whether the land is contaminated, and

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.”

In considering the above, there is no known evidence of contamination on the site.

4.1.2 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in non-rural areas

The protection/removal of vegetation identified under the SEPP and gives effect to the local tree preservation provisions of Council's DCP.

The application does not seek the removal of any vegetation from within the site and Council land.

Overall, the proposal is considered acceptable with regard to the SEPP.

4.1.2 State Environmental Planning Policy (Biodiversity and Conservation) 2021

The proposal is not classified as Basix development as per the provisions of the Environmental Planning and Assessment Regulation 2021 as the cost of works is estimated to be less than \$50,000. As such, a BASIX certificate is not required. Notwithstanding, the development would remain efficient in terms of thermal, water and energy, given existing arrangements on the site.

4.2 Manly Local Environmental Plan 2013

Aims of Plan

The aims and objectives of the Manly LEP 2013 are:

- (1) This Plan aims to make local environmental planning provisions for land in Manly in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.
- (2) The particular aims of this Plan are as follows—
 - (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,
 - (a) in relation to all land in Manly-
 - (i) to promote a high standard of urban design that responds to the existing or desired future character of areas, and
 - (ii) to foster economic, environmental and social welfare so that Manly continues to develop as an accessible, sustainable, prosperous, and safe place to live, work or visit, and
 - (iii) to ensure full and efficient use of existing social and physical infrastructure and the future provision of services and facilities to meet any increase in demand,
 - (iv) to ensure all development appropriately responds to environmental constraints and does not adversely affect the character, amenity or heritage of Manly or its existing permanent residential population
 - (b) in relation to residential development —
 - (i) to provide and maintain a diverse range of housing opportunities and choices that encourages affordable housing to cater for an ageing population, changing demographics and all socio-economic groups, and
 - (ii) to ensure high quality landscaped areas in the residential environment, and
 - (iii) to encourage higher density residential development to be located close to major transport nodes, services and employment opportunities,
 - (iv) to maintain active retail, business and other non-residential uses at street level while allowing for shop top housing in centres and offices at upper floors in local centres,
 - (c) in relation to business and the economy—
 - (i) to encourage, provide and consolidate business opportunities for a range of uses in appropriate locations that support local employment, community services and economic growth in business centres, and

- (ii) to recognise that tourism is a major industry and employer in Manly and to encourage its growth and continuing viability while protecting the needs of the local community,
- (d) in relation to transport, infrastructure and amenities—
- (i) to reduce private car dependency, increase the viability of various public transport modes, minimise conflict between pedestrians and vehicular movement systems and encourage walking and cycling while concentrating intensive land uses and trip generating activities in locations most accessible to public transport and centres, and
 - (ii) to provide for a range of recreational and community service opportunities to meet the needs of residents and visitors to Manly and promote the efficient and equitable provisions of public services, infrastructure and amenities,
- (e) in relation to heritage—to identify, protect, sustain, manage and conserve all heritage, including archaeological relics, sites and resources, places of Aboriginal heritage significance, heritage items (and their curtilages), heritage conservation areas and the cultural (natural and built) environmental heritage of Manly,
- (f) in relation to the natural environment—
- (i) to conserve and enhance terrestrial, aquatic and riparian habitats, biodiversity, wildlife habitat corridors, remnant indigenous vegetation, geodiversity and natural watercourses, and
 - (ii) to promote energy conservation, water cycle management (incorporating water conservation, water reuse, catchment management, stormwater pollution control and flood risk management) and water sensitive urban design, and
 - (iii) to protect, enhance and manage environmentally sensitive land with special aesthetic, ecological, scientific, cultural or conservation values for the benefit of present and future generations, and
 - (iv) to protect existing landforms and natural drainage systems and minimise the risk to the community in areas subject to environmental hazards, particularly flooding, bush fires, acid sulfate soils, sea level rise, tsunami and landslip, and
 - (v) to provide a framework that facilitates and encourages measures to assist the adaptation of the local environment to mitigate the impacts of climate change, and
 - (vi) to give priority to retaining bushland for its own intrinsic value and as a recreational, educational and scientific resource
- (g) in relation to Manly's unique harbour, coastal lagoon and ocean beach setting—
- (i) to preserve and enhance the amenity of public places and areas visible from navigable water around Manly, and
 - (ii) to retain open space, make more foreshore land available for public access and protect, restore and enhance riparian land along watercourses and foreshore bushland

Aims and objectives of zone:

The site is zoned R2 Low Density Residential under the provisions of the Manly Local Environmental Plan 2013. The objectives of the zone are:

- To provide for the housing needs of the community within a low-density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The development proposal is consistent with the objectives of the zoning as follows:

- The development proposal will retain the existing residential use of the site and continue to provide for housing needs in the area.
- The development proposal will not inhibit other land uses to be provided in the area that provide facilities or services to meet the day to day needs of residents.
- The proposal is designed to enhance residential amenities for the residents.
- The development proposal will not compromise the amenity of other residents in terms of privacy, solar access or views. The proposed works have been designed to ensure that mutual privacy is maintained between residents within the building and neighbouring properties.

The proposed development is therefore considered to satisfy the objectives of the R2 Low density residential zone.

Manly Local Environmental Plan 2013 Compliance Table			
Development Standard	Control	Proposed	Compliance
<i>Part 2 Permitted and prohibited development</i>			
2.1 Land use zones R2 Low Density Residential	Dual occupancy (attached) means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.	The proposed development constitutes alterations and additions to 1x dwelling that forms part of an existing dual occupancy which is permissible with consent.	Yes
2.7 Demolition	Demolition requires consent.	The subject works will include minor demolition works which is permissible with consent.	Yes
<i>Part 4 Principal development standards</i>			

4.3 Height of buildings	Maximum 8.5m	The proposed balcony extension would not result in any changes to existing maximum height of the building.	Yes – as existing.
4.4 Floor space ratio	Maximum 0.45:1	The proposed balcony extension would not comprise any additional floor area.	Yes – as existing.
<i>Part 6 Additional local provisions</i>			
6.1 Acid sulfate soils	Class 5	The subject development does not include any works to the natural ground surface. As such, there are no expected risks of disturbance, exposure or drainage of acids of the soils and any causation of environmental damage.	Yes
6.4 Stormwater management	Stormwater drainage	The proposed balcony extension would not include any additional roof area, as such, it is considered the existing stormwater drainage system is sufficient.	Yes
6.8 Landslide risk (Geotechnical conditions of the land)	Landslide Risk Map	<p>The subject site is not identified in the Landslide Risk Map as applicable in the Manly LEP 2013.</p> <p>Note: A Preliminary Assessment of Site Conditions checklist as required by the Manly DCP for the site has been completed and is accompanied by the development application.</p> <p>The Preliminary Assessment of Site Conditions (Landslip) Checklist determined based on the nature of the development and known site information, there is no</p>	Yes

		need for a Site Stability Report.	
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4.3 Draft Amendments to Statutory Controls

There are no known draft amendments to any of the relevant statutory controls.

4.4 Development Control Plans

4.4.1 Manly Development Control Plan 2013

The provisions in the Manly DCP 2013 also apply to the site, in particular Part 3 – General Principles of Development and Part 4 – Development Controls and Development Types.

The proposed development satisfies the relevant objectives and development controls for residential developments under Part 3.1 – Streetscape (Residential areas) and Part 4.1 – Residential development controls.

Manly Development Control Plan 2013 Compliance Table		
Development Standard	Proposed	Compliance
<i>Part 3 General Principles for Development</i>		
3.1.1 Streetscape (Residential areas)	The building stock in the neighbourhood predominantly comprises of 2 and 3 storey dwellings with varying architectural styles and finishes. Noting that the subject works is minor and will be contained at the rear of the dwelling, not visible from the street, the development will remain consistent with the street theme and maintain the existing landscape character.	Yes
3.3 Landscaping	<p><u>3.3.1 Landscape Design</u> A minimum side setback of 5.5m is proposed from the western face of the balcony to the western side boundary. The dwelling maintains a significant area of private open space which is enhanced by the subject proposal.</p> <p><u>3.3.2 Landscape/Tree</u> Noting that the development proposes an extension to an existing first floor balcony, no tree</p>	Yes

	or vegetation are to be removed or adversely affected.	
3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)	<p><u>3.4.1.1 Sunlight Access & Overshadowing</u> Solar access to the existing POS area would be negligible. The solar access into private open spaces remains compliant with the provisions in the Manly DCP.</p> <p><u>3.4.1.2 Maintaining Solar Access into Living Rooms of Adjacent Properties</u> Adjoining developments to the east and west will maintain adequate solar access via the windows of their living areas.</p> <p><u>3.4.2 Privacy and Security</u> Noting a minimum 5.5m side setback will be maintained to the side boundary, there are no significant privacy or overlooking impacts envisaged from the development on adjoining developments. Existing site trees also provide secondary privacy protection for adjoining developments.</p> <p><u>3.4.3 Maintenance of Views</u> The size, location, height and design of the addition minimises the potential for view loss.</p>	Yes
3.7 Stormwater Management	<p>Sediment and Erosion Control measures will be implemented subject to conditions.</p> <p>The proposed balcony extension would not include any additional roof area, as such, it is considered the existing stormwater drainage system is sufficient.</p>	Yes
3.8 Waste Management	A waste management plan that outlines steps and procedures for the disposal of construction	Yes

	waste accompanies the development application.	
3.10 Safety and Security	<p><u>3.10.2 Security (Casual Surveillance)</u></p> <p>The existing habitable spaces for the dwelling will maintain street surveillance on Plant Street.</p>	Yes
<i>Part 4 Residential Development Controls</i>		
4.1.4 Setbacks	<p><u>Front setbacks</u></p> <p>There are no changes to the existing front setback of the dwelling.</p> <p><u>Side Setback</u></p> <p>A minimum side setback of 5.5m is provided for the balcony to the western side boundary for visual privacy.</p> <p><u>Rear Setback</u></p> <p>The rear setback will maintain the prevailing setback in the vicinity.</p>	Yes
4.1.5.2 Landscaped Area	There are no proposed changes to the existing landscaped area or any adverse impact trees on site and neighbouring property trees.	Yes
4.1.7 First Floor and Roof Additions	<p><u>First Floor Additions</u></p> <p>The proposed balcony appropriately complements the architectural style of the floor, noting that the addition does not result in changes to the existing roof form. Further, the proposed extension follows the setback of the existing balcony and does not adversely impact adjoining development amenity in terms of by overshadowing, view loss and privacy.</p>	Yes
4.1.8 a) Development must respond to the slope of the site, to minimise loss of views and amenity from public and private spaces.	The proposed balcony is appropriately is scaled and designed to retain views in private and public spheres, protect visual privacy and minimise visual intrusion impacts on neighbours.	Yes

<p>4.1.8 b) b) Developments on sloping sites must be designed to: i) generally step with the topography of the site; and ii) avoid large undercroft spaces and minimise supporting undercroft structures by integrating the building into the slope whether to the foreshore or a street.</p>	<p>The erection of the balcony would not involve any significant earthworks that may disturb the existing site topography and does not involve creation of any undercroft areas.</p>	<p>Yes</p>
<p>Considerations required in Other Geotechnical Areas (Areas G2, G3 and G4)</p>	<p>The site is identified as within Areas G2, G3 and G4 of Map C - Potential Geotechnical Landslip Hazard Areas under Schedule 1 of the Manly DCP 2013.</p> <p>Accordingly, a Preliminary Assessment of Site Conditions (Landslip) Checklist as outlined in Schedule 11 of the Manly DCP 2013 has been completed for the proposed development which accompanies the development application.</p> <p>The Preliminary Assessment of Site Conditions (Landslip) Checklist determined that based on the nature of the development and known site information, there is no need for a Site Stability Report.</p> <p>See accompanying Preliminary Assessment of Site Conditions (Landslip) Checklist in the development application package.</p>	<p>Yes</p>

4.5 Regulations

There are no prescribed regulatory matters which will hinder the development.

4.6 Likely Impacts

The proposed development will not introduce any adverse amenity impacts on adjoining residential properties, as detailed in this report.

4.7 Submissions

Council is to consider any submissions received during the relevant notification period for the development application.

4.8 The Public Interest

The public interest will be served by approval of this development proposal, as it will afford the dwelling enhanced amenities. It is considered that the development is consistent with Council's policies and does not result in any unreasonable impacts. Under the circumstances of the case, it is considered that the development application is acceptable and should be supported.

5. Conclusion

In conclusion it is considered that the proposed development is acceptable under the considerations of the Environmental Planning & Assessment Act 1979. The following conclusions are made in relation to the development proposal:

- The alterations and additions would not result in any significant environmental impacts and Council can be satisfied the proposal is suitable for the site and its surrounds.
- The proposal is consistent with the relevant planning controls contained within Manly Local Environmental Plan 2013 and the Manly Development Control Plan 2013.

For reasons outlined in this Statement of Environmental Effects it is our opinion that the proposed development at 1/16 Plant Street, Balgowlah NSW 2093, should be supported by Council.